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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of the Secretary
Federal Communications Commission
1919 M Street NW
Room 222
Washington DC 20554

Dear Secretary Caton:

Re: Docket No. 98-67
Telecommunications Relay Services and Speech-to-Speech Services
for Individuals with Hearing and Speech Disabilities.

Enclosed are an original and 11 copies and a diskette of the comments of Self Help for Hard of Hearing People, Inc. (SHHH) .

We very much appreciate the opportunity to file comments in this important proceeding.

Sincerely,

Donna L. Sorkin
Executive Director

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JUL 2 01998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Telecommunications Relay Services) CC Docket No. 98-67
And Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)

COMMENTS OF
SELF HELP FOR HARD OF HEARING PEOPLE, INC. (SHHH)

Introduction

Self Help for Hard of Hearing People, Inc. (SHHH) hereby submits comments in response to the Commission's Notice of Proposed Rulemaking on Telecommunications Relay Services, that was released May 20, 1998.

SHHH is a national educational organization representing people of all ages and all levels of hearing loss who are hard of hearing. SHHH is structured with a national office, seven state associations and a network of 250 chapters and groups nationwide.

SHHH is supportive of the Commission's intent to improve the current nationwide relay service but we do not think the Commission is going far enough to ensure the improvements that are needed will be made. Many hard of hearing people grow up using the voice phone and are accustomed to its convenience and efficiency.

As their hearing loss progresses and they are no longer able to hear well on the voice telephone, the TRS becomes an alternative for them to retain access to the telephone network. However, they cannot help but compare it to the voice system and few would grant that TRS is yet functionally equivalent to the regular phone network.

1. Scope of TRS Generally

The Commission concludes that Title IV of the ADA is not limited to services using TTYs. SHHH agrees that Congress intended TRS to be an evolving service that would expand beyond traditional TTY relay service as new technologies develop. Therefore the Commission's regulations should not discourage the deployment of new, more advanced technology which can bring TRS closer to functional equivalency with the regular phone service.

SHHH agrees with commenters to the NOI that the current definition of "communications assistant" is too restrictive to encompass some activities that may be performed by a person who assists in providing "improved" TRS. We support the Commission's proposal to amend the current definition by removing the words "from text to voice and from voice to text" and maintaining the remainder of the current definition.

2. Speech-to-Speech (STS) Relay Service

The Commission proposes that within two years of the publication of a Report and Order in this proceeding, all common carriers providing voice transmission

services must ensure that STS services are available to callers with speech disabilities throughout their service areas. SHHH supports this provision for the 2.5 million people with speech disabilities in the United States who have, up to now, been largely ignored and denied access to the telephone network. SHHH agrees that having a federal rule in place will assist the states in coordinating or centralizing cost-effective, regional or national centers where speech-to-speech calls can be handled, rather than attempting to provide independent services on a state-by-state basis, at least in the early stages.

The development of STS and training of STS operators should not be limited to those with speech disabilities only. There has to be a recognition that some deaf and hard of hearing people who use TTY or VCO may also have speech difficulties and would like to have this service available. STS needs, therefore, to have the capability to run STS and VCO/TTY combined as there is a need for this and there will no doubt be requests for the service from potential users.

3. Video Relay Interpreting (VRI) Services

As the Commission notes, VRI technology is still at a relatively early stage of development, and the cost to implement this service on a nationwide basis appears to be prohibitive. SHHH therefore agrees with the Commission's proposal not to mandate VRI under the TRS rules at this time. VRI increases the speed and fluidity of conversations for those people who prefer to use sign language. It is beneficial for people who cannot read or write and young children not yet able to type. However, for people who are hard of hearing who use their residual hearing, hearing aids and speech

reading to communicate and who do not use sign language, VRI brings very limited benefit unless VRI includes captioned transcription. People who rely on speech reading are not able to understand all of the conversation from speech reading alone. Even if they are skilled speech readers in live situations, when watching video with recorded sound, which is often not intelligible to them, the ability to speech read is greatly reduced. It is imperative for hard of hearing people that any development of VRI includes captioned transcription.

Also, hard of hearing people who use the TRS generally do so through VCO. This is an important feature for this population allowing them to use their own voice, cutting down on the length of the call and making the call more personalized. Any development in VRI should retain the VCO capability, which is a standard feature of TRS .

4. Multilingual Relay Services (MRS) and Translation Services

Since language needs and population demographics vary widely from state-to-state, SHHH agrees that the decision as to whether to implement MRS is best left to the state TRS programs.

5. Access to Enhanced Services

Enhanced services such, as voice menu-driven services, have become commonplace in the past five years and are increasingly used by businesses and services throughout the United States. But they are largely inaccessible and present substantial barriers to TRS users because of the speed of response needed.

The Commission's historical distinction between "enhanced" and "basic" services has nothing to do with the issue of access to the world of telecommunications by people with hearing loss. Rather, that historical distinction has been made in traditional Title 11 regulatory concepts such as tariffing, resale, networking, oversight of customer premises equipment (CPE), distinctions among voice, basic non-voice and enhanced non voice, cross-subsidization issues, and the like. Improvements in TRS can only come about when taking into consideration access to the next-generation of telecommunication technologies. We are already seeing a seamless continuum between live conversation, messaging, and text transcripts. As these services merge, the distinctions between enhanced, basic, and adjunct-to-basic are superficial at best. If the Commission does not mandate access to all these emerging telecommunications services, then access for people with hearing loss via TRS is taking one step forward and two steps backward.

It does not make sense to allow access to making a phone call via TRS but not to allow access to navigating a voice menu-driven service to connect the call to the party you are trying to reach. This "partial access" creates significant barriers to telecommunications for people with hearing loss given the proliferation of these "enhanced services" all across the United States and internationally.

Voice Menu-Driven Services are not Accessible to TRS Users

TRS users cannot use voice menu-driven services since there is generally insufficient time for the relay operator to type the choices and receive a response from the individual using a TTY. The systems frequently do not offer a live operator option and therefore completely block telephone access to TRS users. Several call-backs have to be made to try to navigate the system and in the end still may not be successful in reaching the party.

The Commission concludes that they do not have the jurisdiction under Title IV of the ADA to mandate enhanced services. Congress mandated that TRS should be functionally equivalent to the regular phone service. Functional equivalence, today, can only come about with access to enhanced services which are integral to making a telephone call. Given the changing face of the telecommunications arena, enhanced services is a misnomer and out-of-date terminology when it comes to disability access. Hanging on to it seriously impacts access to telecommunications for TRS users.

The Commission continues to reject requests by consumers to mandate access to enhanced services and instead suggests creative ways for the CA to handle these calls. It is not appropriate for the CA to be summarizing the message or to listen for specific information. CA's should be transparent in interpreting the TRS call and should not get into editing or summarizing information in any way. To start down that track could open the door to the CA using the same tactics during a conversation that would be totally inappropriate.

The only way to have functional equivalency is to mandate enhanced services; whatever that takes, it must be done.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements

SHHH is pleased with the Commission's proposal to tighten up its speed-of-answer and blockage rules, as the existing rules are vague and inconsistently applied by different TRS providers. The revision calling for TRS providers to answer 85 % of all calls within 10 seconds "by a CA prepared to place the TRS call at that time" we agree, should effectively eliminate the practice of having calls answered by an automated system, either at a switch, a call management platform, or at the TRS center, and placed in queue for long periods. The requirement to calculate compliance with the 85 %-10 second rule on a daily basis will reduce distortion of actual TRS performance. The Commission believes that "speed-of-answer requirements are the cornerstone of the Commission's TRS rules." Yet the existing standard allows 15 % of all calls to be answered in more than 10 seconds. Is this functional equivalency? SHHH strongly urges increasing the standard to 95% within ten seconds.

CA Quality and Training

SHHH believes the Commission is making a mistake in not requiring quantitative rules for CA typing speed or requiring the adoption of enhanced technologies which have the potential to improve service. The Commission states that

it received numerous comments from TRS users to its NO1 that the quality of CAs varies widely and that there is an alarming decline in CA quality that is affecting the "functional equivalency" of the TRS service. Despite this, the Commission takes no action to make improvements. The decision by the Commission to not strengthen standards for CAs means that the situation of deteriorating CA quality will remain unchanged. The Commission agrees that new technologies, such as enhanced TTY protocols and enhanced computer software, such as auto-correct, could greatly increase TRS transmission times and consequently, CA typing speeds. Yet based on the telephone companies' opposition to what they perceive to be an intrusion into their operations, the Commission does not propose any rules to require adoption of such technologies which could bring TRS closer to "functional equivalency. " There are two ways to improve the quality of CAs' performance and the Commission fails to adopt either. Based on the Commission's reticence to introduce changes SHHH questions the seriousness of the Commission's commitment to improving TRS.

Before forging ahead with "improved services" such as the costly VRI, companies need requirements to make regular TRS calls functionally equivalent. SHHH supports the comments of NASRA at page 12, "NASRA believes that technology is desperately needed to make TRS more "user friendly" and efficient for voice TRS callers. The FCC should encourage the industry to develop technology that would improve the "flow" of relay calls to be more similar to that of a voice call." The best a VCO user can do today is via two-line VCO. This is costly, as it requires a second line and three-way calling capability, and the know-how to get it set up, all just to make a

regular phone call. Real-time transmission is fundamental to "functional equivalence." The service has to be acceptable to the general public, also, and so far this is not the case. It can be very frustrating for the general public to receive or make a relay call because of the slowness, inefficiency and sometimes, rudeness of the CAs.

The Commission's argument that comprehensive Commission intervention in all areas of CA standards may overburden TRS providers and stifle competitive innovation is a miscalculation. TRS is five years old and users are frustrated, as evidenced by the numerous comments to the NOI asking for change. Improvements in CA quality are overdue and they have not been introduced by carriers voluntarily. Carriers have focused on costly expanded TRS, such as VRI, while failing to upgrade CA skills and introduce new, improved technology to better handle regular TRS phone calls. We remind the Commission of the technology provision of Title IV, Section 64.604(5) Mandatory Minimum Standards that states, "No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities." Further, in the FCC Report and Order released July 26, 1991, the Commission stated, "we intend to monitor closely, through the complaint process and otherwise, the actual quality of relay services. If experience shows imposition of additional minimum standards is required, we will not hesitate to prescribe such standards." As in most instances of access to telecommunications for people with hearing loss, market forces do not work and regulations for strengthening standards will be needed to get to where we want to be.

3. In-Call Replacement of CAs

The Commission proposes to amend its rules to require that a CA answering and placing a TRS call must stay with that call for at least ten minutes before an in-call CA transfer can take place. Given that the average length of a relay call is six minutes, (MCI comments at 9), this proposal of ten minutes is reasonable. However, as much as the length of time, the timing of the change can be disruptive. For instance if a call is about to end, changing CAs at that point would be inappropriate. The CA should be allowed the flexibility to use judgment in staying on even if it is beyond the ten minutes if the call is about to finish.

C. Competition Issues

1. Multivendoring

SHHH does not intend to take a position on multivendoring. However, we have received comments from SHHH members in various states expressing concern about poor service and their lack of choice, that we outline here. For instance if a consumer lives in the “wrong state”, one which offers poor TRS service, they are stuck for three to five years with a lackluster provider. In one state, we have been informed, there have been days when the TRS was down completely for three hours each day due to “technical problems.” This means the consumer had no dial tone for calls that require relay service. Yet they had no option to dial another service. Also, as long as quality and standards are different from state to state due to the lack of Commission requirements for high quality, TRS users cannot take advantage of those state relays

with protocols that make a call closer to real time. They are stuck with whatever is available in their state, Multivendoring does not necessarily mean two or more vendors in one state. It could also mean TRS providers willing to offer an 800 number that allows a consumer to call in and use for intrastate traffic. The issue, of course, is how reimbursement for those calls would be handled.

D. Enforcement and Certification Issues

The Commission has proposed amendments to its certification rules to increase the effectiveness of the TRS certification process. SHHH supports the proposals as presented. We also support NAD's suggestions for handling complaints in the following way: the Commission should require providers to file the information that they compile in their complaint procedures with the FCC; the FCC's Disabilities Issues Task Force should post this information for each state on its web site; TRS providers and state commissions should keep logs of consumer complaints and give the logs to the FCC upon request and when requesting certification; when a complaint is filed with the provider, consumers should get confirmation that their complaint has been received within 15 days after filing. A complaint that remains unresolved after a period of 30 days should go to a formal process.

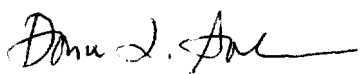
E. Other Issues

SHHH urges the Commission to expand the role of the interstate TRS Fund Advisory Council to allow that body to consider TRS quality issues. Quality TRS is a problem and will not be sufficiently resolved by the proposals made in this NPRM. The

TRS Advisory Council is made up of the key parties - consumers, providers and state regulators - who can monitor quality issues on an ongoing basis and make recommendations for change.

SHHH appreciates the opportunity to comment on this very important issue.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donna Sorkin", with a stylized flourish at the end.

Donna Sorkin
Executive Director
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7910 Woodmont Avenue, Suite 1200
Bethesda, Maryland 20814

July 20, 1998.